



Appeal Decision

Site visit made on 21 October 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2019

Appeal Ref: APP/J2210/W/19/3232593
79 New House Lane, Canterbury CT4 7BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Hanson against the decision of Canterbury City Council.
 - The application Ref 19/00181, dated 8 August 2014, was refused by notice dated 12 April 2019.
 - The development proposed is to construct a 4 bedroom, 2 storey detached dwelling and ancillary site works on the land adjacent to 79 New House Lane.
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Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the location is suitable for this development with particular regard to strategic housing policy; and
 - The effect of the development on the character and appearance of the area, including the Area of High Landscape Value.

Reasons

Location

4. 79 New House Lane is a semi-detached property situated in Thanington Without and within an Area of High Landscape Value. It contains a good sized garden to the rear and side of the dwelling and is surrounded by agricultural fields with no nearby built development on this side of the road either side of the semi-detached properties. The majority of the built form in the area are the dwellings on the opposite side of New House Lane, but overall the surrounding area is rural in nature. The appeal site is situated within the curtilage of No.79, on land to the north-east of the house and which is slightly more elevated than that at the host dwelling.

5. Policy SP4 of the Canterbury District Local Plan, adopted July 2017 (the Local Plan) sets out the strategic approach to location of development. It seeks to ensure new developments are set in accessible locations such as urban areas, local centres and large villages. Thanington Without is not identified in the settlement hierarchy set in Policy SP4 and therefore the site lies within the countryside for the purposes of planning policy. It is not disputed that the site is not isolated and indeed is part of Thanington Without. Nonetheless, the proposal still fails to accord with policy SP4.
6. Policy HD4 of the Local Plan sets out circumstances, to avoid the spread of speculative new buildings, in which new dwellings in the countryside will be permitted. These include meeting an essential need for a rural worker that cannot be met by existing connected accommodation, securing the future of a heritage asset, re-using redundant or disused buildings, or being of exceptional or innovative design or quality. The proposal would not meet any of these criteria. Paragraph 2.58 of the supporting text to this policy suggests housing in villages, in contrast to housing in the countryside, is likely to continue. But as the site is within the countryside, not a village, for the purposes of planning policy, this text does not support the proposal.
7. The appellant states the land adjoining the north west of the site is designated for residential development within the Local Plan and so it is unreasonable to resist the erection of one dwelling on land that will soon form part of the built-up area of Canterbury. However, while the development of this neighbouring land may come forward at some point over the plan period, I can give little weight to that at present and must determine the appeal on the basis of the site and its surroundings as they currently exist. Similarly, the development could not be infill development given that there is currently no development to its north east side.
8. I therefore conclude the proposed development would not be located in a suitable position to meet the strategic housing policies. It would therefore be contrary to Policy HD4 and SP4 as described above.

Character and Appearance

9. The proposed development would result in additional built form on the side of New House Lane which is mainly devoid of buildings. Due to its setting on open and slightly elevated land, the proposed development would clearly be visible from New House Lane and across the open countryside from nearby public footpaths. The boundary hedgerow would only partially screen the proposal.
10. The site lies within a designated Area of High Landscape Value (AHLV), as set out within Policy LB2 of the Local Plan. Although AHLV are not identified in footnote 6 of paragraph 11 of the National Planning Policy Framework (NPPF), paragraph 170(a), of the NPPF gives due regard to protecting and enhancing valued landscapes.
11. Although the proposed development would provide a considerable gap from the host dwelling, a sizeable garden, parking spaces and generally be sympathetic to the design and materials of nearby properties, particularly on the south eastern side of New House Lane, the siting of the proposed development on generally open land, albeit within the curtilage of the host property, would fail to protect the landscape character of the rural setting or enhance the future appearance of the AHLV.

12. For these reasons, I conclude the proposed development would harm the character and appearance of the area, including the AHLV. The proposed development would therefore conflict with Policy LB2 of the Local Plan which seeks to protect the local landscape character and enhance the future appearance of the designated landscape. The proposed development also conflicts with Policy DBE3 of the Local Plan which seeks to ensure developments positively contribute to its local context.

Other Matters

13. Although the appellant refers the quoted policies to be general guidance, they form the development plan against which, by law, all development must be considered. As set out above, the development fails to accord with these policies. Furthermore, as the development fails to accord with these policies, it also would fail to accord with Policy SP1 of the Local Plan, which requires planning applications to accord with the policies set out within the Local Plan, and therefore the presumption in favour of sustainable development does not apply.
14. There would be a small social benefit in providing an extra housing unit. Economic advantages to the local area would also arise from the construction and occupation of a new house. However, the harms identified above would outweigh these limited benefits. Likewise, though I recognise the support given by the NPPF to the development of small sites and the more efficient use of land, this does not outweigh the need for development to respect the character and appearance of its surroundings.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR